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April 26, 2007

The Honorable Sue L. Robinson
District of Delaware
844 North King Street, Room 4209
Lock Box 31
Wilmington, DE 19801

RE: Davis, W. v. Correctional Medical Services, et al.
C.A. No. 04-209 (SLR)

Dear Judge Robinson:

This letter is in response to your Memorandum Opinion, D.I. 68, and your Order, D.I. 69, where First Correctional Medical was ordered to show cause for its failure to comply with the request for waiver of service as required by Federal Rule of Civil Procedure 4(d)(2).

First Correctional Medical Delaware, LLC, provided the healthcare to the Delaware prisons from July 1, 2002, through June 30, 2005. First Correctional Medical Delaware, LLC, has ceased doing business in the State of Delaware. Its books and records are currently located in Tucson, Arizona, at the offices of First Correctional Medical, Inc. As there has been a wholesale change-over in staff and the books and records are currently in storage in Tucson, Arizona, counsel for First Correctional Medical Delaware, LLC, is, at present, unable to determine why First Correctional Medical refused to waive service in the above-mentioned matter.

If counsel for First Correctional Medical is permitted to speculate, it seems likely that it was a mere oversight on the part of the officials of First Correctional Medical. As noted on the docket, the Form 285s were forwarded to the United States Marshall for service on September 24, 2004. First Correctional Medical was currently active in the State of Delaware at that time. Given that First Correctional Medical waived service in other cases filed during that time period, counsel for FCM's only conclusion, given the current circumstances, is that it must have been an oversight.

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Please do not hesitate to contact me with any additional questions or concerns.. I remain,

Respectfully yours,

/s/ Dana Spring Monzo
Dana Spring Monzo, Del. Bar # 4605

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cc: William Davis
Kevin Connors, Esquire